



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 6 January 2004

EXPIRATION DATE: 21 January 2004

REFERENCE NUMBER: N-1995-0241

WATERWAY NUMBER: Humpy Cove 3

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Dennis M. Swiderski, P.O. Box 1815, Seward, Alaska 99664

LOCATION: Orca Island, in Humpy Cove, Resurrection Bay, nine miles southeast of Seward Alaska; within section 28, T. 2 S., R. 1 E., Seward Meridian; latitude 59°58'39" north, longitude 149°17'36" west; USGS Quadrangle Blying Sound D-7.

WORK: Install a 20' X 50' floating dock and a 5' X 50' steel access ramp. The dock would be constructed of steel framing with pressure treated timber decking and polystyrene flotation.

PURPOSE: The proposed dock would provide marine access to several cabins the applicant proposes to build on Orca Island. One cabin has already been constructed.

ADDITIONAL INFORMATION: DA permit 1-950241, Humpy Cove 3, authorizing a dock on Lot 2, was issued to Mr. Swiderski on October 10, 1995. A permit modification, M-950241, was issued on April 14, 1997. The dock has not been constructed. Mr. Swiderski has sold Lot 2 and now proposes to construct a dock on Orca Island.

Wooden materials used to construct the dock would not be treated with pentachlorophenol.

Mr. Swiderski can be contacted at home at (907) 224-5849 or at work at (907) 224-8200.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: The project area is within the known or historic range of the Steller sea lion. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to

authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Don Kuhle at (907) 753-2724, toll free from within Alaska at (800) 478-2712, or by e-mail at don.p.kuhle@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

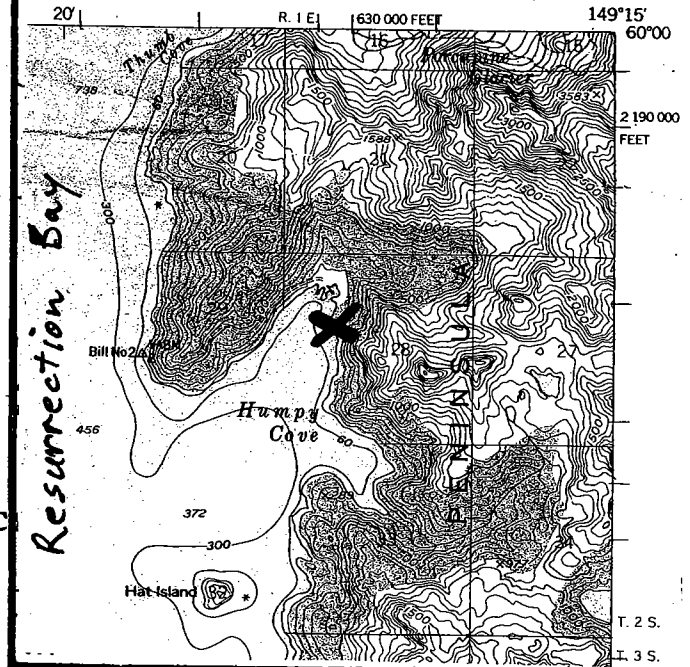
A plan, and Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

BLYLING SOUND (D-7) QUADRANGLE  
ALASKA

1:63 360 SERIES (TOPOGRAPHIC)



QUANTITIES

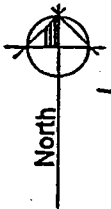
FILL..... 0 C.Y.  
EXCAVATION..... 0 C.Y.

GENERAL NOTES:

DOCK PROCEDURES: NO FUEL TRANSFER  
NO SEWAGE TRANSFER

DOCK TRACT AREA: TRACT A, ALASKA  
STATE LAND SURVEY  
NO. 73-103, ACCORDING TO PLAT 77-15,

IN THE SEWARD RECORDING DISTRICT  
THIRD JUDICIAL DISTRICT, STATE  
OF ALASKA.



HUMPY COVE

CONCRETE ANCHOR  
BLOCK, TYPICAL

20'x50' FLOAT

PROPOSED FLOATING DOCK CONSTRUCTED  
OF STEEL FRAMING WITH PRESSURE TREATED  
TIMBER DECKING AND POLYSTYRENE BALLAST

PROPOSED STEEL ACCESS RAMP (5'x50')

0 MLLW

0 MLLW

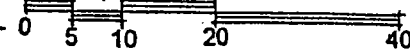
HTL 14'

ORCA  
ISLAND

PEDESTRIAN  
EASEMENT

PLAN

SCALE (FEET)



PURPOSE: PRIVATE CHARTER  
BOATING ACCESS AND  
CABIN RENTALS

TIDAL DATUM: 0.0 MLLW

ADJACENT LAND OWNER(S)

APPLICANT: Dennis and  
Susan Swiderski and

PLAN &  
VICINITY MAP

APPLICATION BY:  
DENNIS & SUSAN SWIDERSKI  
P.O. BOX 1815  
SEWARD, AK 99664

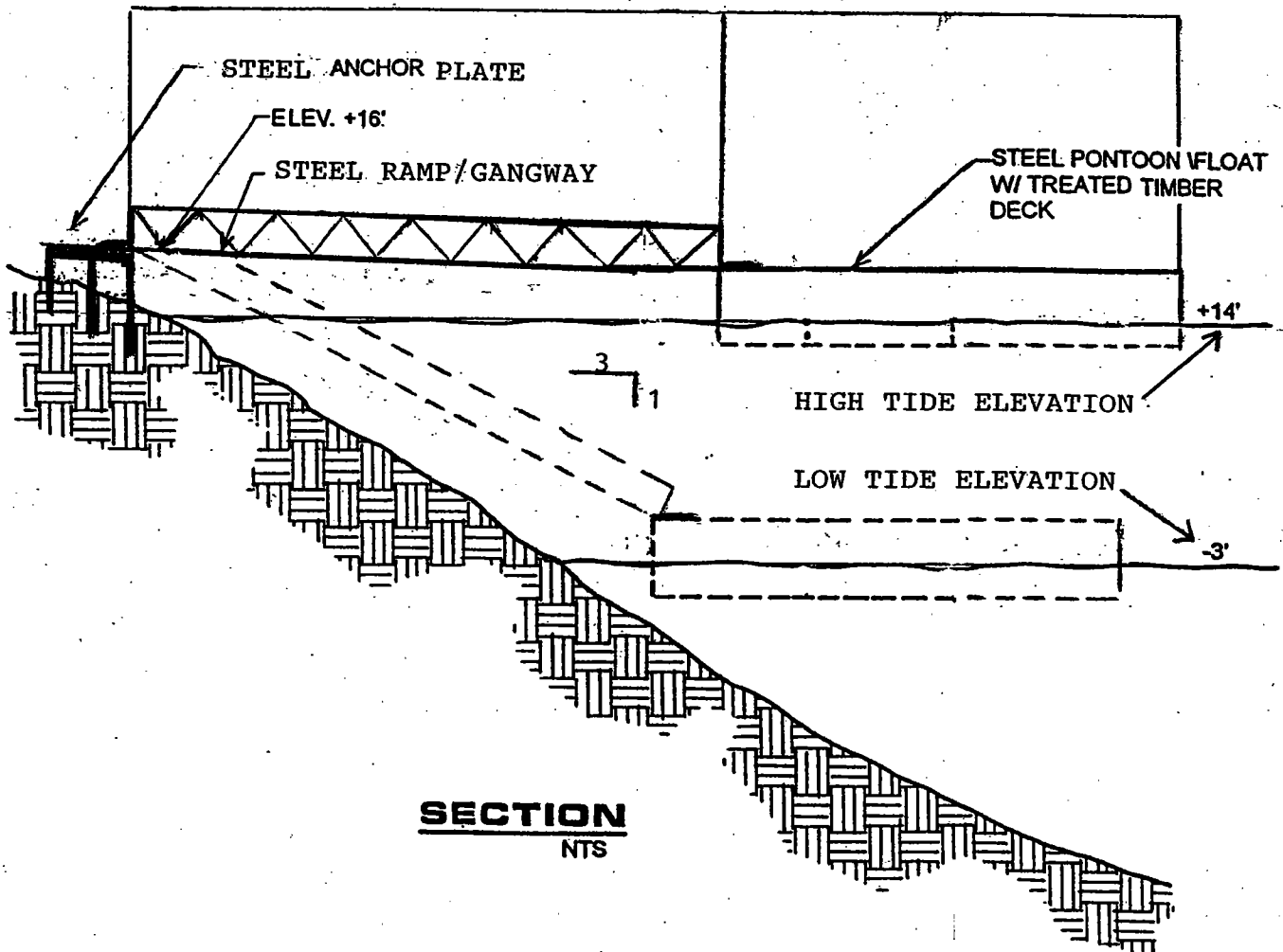
ORCA  
ISLAND FLOATING  
DOCK

AT: HUMPY COVE IN RESURRECTION  
BAY

N-1995-0241, Humpy Cove 3  
Dennis Swiderski  
Dock

Sheet 1 of 3, December 23, 2003

Tom Tonges (owner of Lot 2, Sunbeek Subdivision)



**SECTION**  
NTS

PURPOSE: PRIVATE CHARTER  
BOATING ACCESS AND  
CABIN RENTALS

TIDAL DATUM: 0.0 MLLW

ADJACENT LAND OWNER(S)

Applicants:

Dennis & Susan Swiderski

### SECTION

APPLICATION BY:  
DENNIS & SUSAN SWIDERSKI  
P.O. BOX 1815  
SEWARD, AK 99664

### ORCA ISLAND FLOATING DOCK

AT: HUMPY COVE IN RESURRECTION BAY

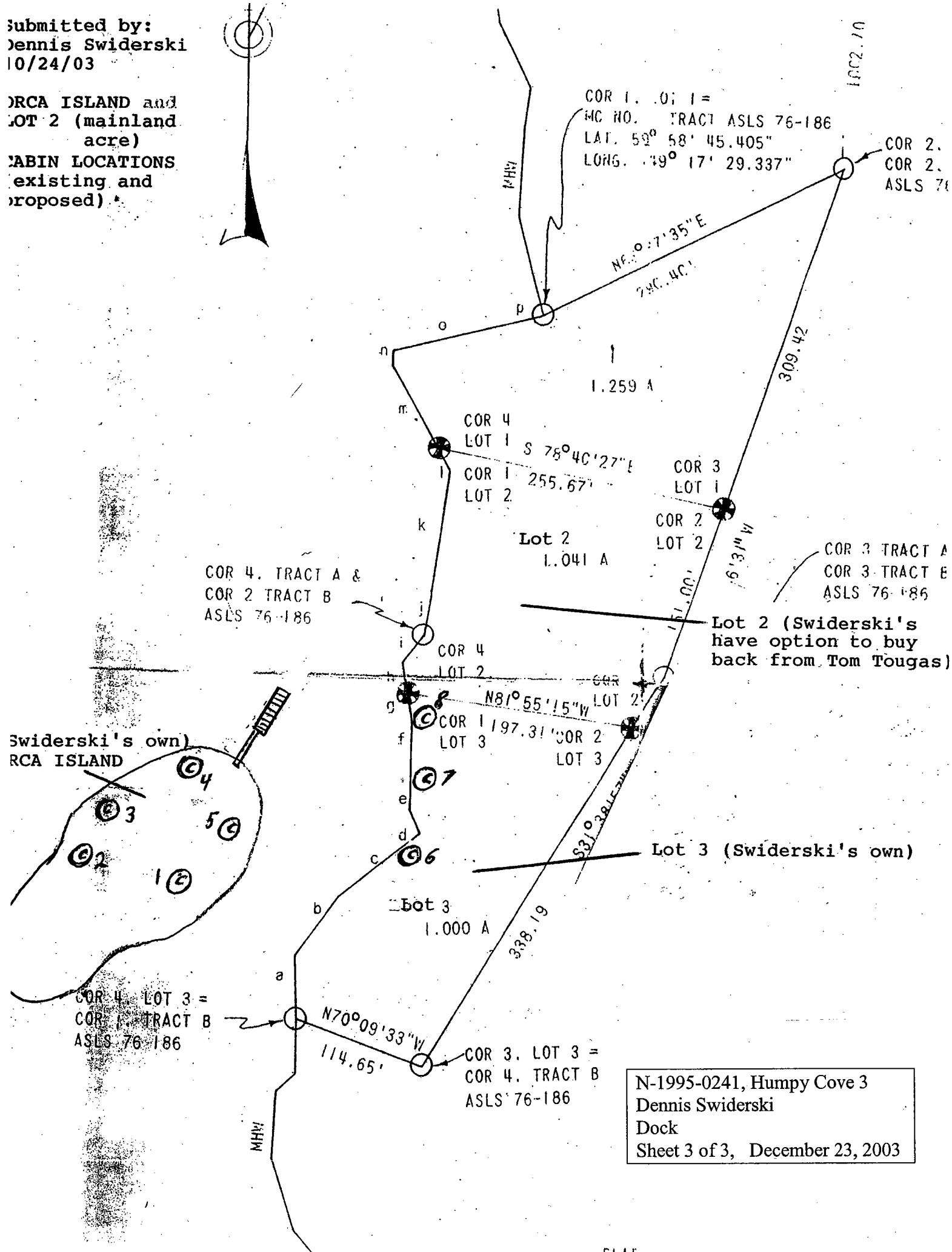
N-1995-0241, Humpy Cove 3  
Dennis Swiderski

Dock

Sheet 2 of 3, December 23, 2003

*and Tom Tougas (owner of Lot 2, Sunbeck Subdivision)*

141172



N-1995-0241, Humpy Cove 3  
Dennis Swiderski  
Dock  
Sheet 3 of 3, December 23, 2003

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
ALASKA DEPARTMENT OF NATURAL RESOURCES**

OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
302 GOLD STREET, SUITE 202  
JUNEAU, ALASKA 99801-1127  
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Governmental Coordination for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **N-1995-0241, Humpy Cove 3**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at (907) 269-7470 or (907) 465-3562, or visit the DGC web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.